



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5492

by Rep. Kathleen A. Ryg

SYNOPSIS AS INTRODUCED:

210 ILCS 50/32.6 new
210 ILCS 85/9
210 ILCS 85/9.6 new

from Ch. 111 1/2, par. 150

Amends the Emergency Medical Services (EMS) Systems Act and the Hospital Licensing Act. Requires the Department of Public Health to investigate every allegation of abuse or neglect of a vulnerable adult who is a patient in a freestanding emergency center (FEC) or hospital that is received by the Department. Provides that no administrator, agent, or employee of an FEC or hospital may abuse or neglect a vulnerable adult who is a patient in the facility. Sets forth requirements for reporting allegations of abuse or neglect, including persons required to make such reports. Requires the Department of Public Health to investigate allegations of abuse or neglect of vulnerable adults, and requires FECs and hospitals to conduct internal reviews in connection with such allegations. Requires FECs and hospitals to regularly train employees in detecting and reporting abuse or neglect of vulnerable adults. Prohibits retaliation against a person who lawfully and in good faith reports alleged abuse or neglect.

LRB095 15957 DRJ 41967 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Emergency Medical Services (EMS) Systems Act
5 is amended by adding Section 32.6 as follows:

6 (210 ILCS 50/32.6 new)

7 Sec. 32.6. Freestanding Emergency Center; abuse or neglect
8 of vulnerable adult.

9 (a) In this Section:

10 "Abuse" means any physical or mental injury or sexual
11 assault inflicted on a vulnerable adult, other than by
12 accidental means, in an FEC.

13 "Allegation" means any assertion, complaint, or suspicion
14 that abuse or neglect of a vulnerable adult may have occurred.

15 "FEC" means a Freestanding Emergency Center licensed under
16 Section 32.5.

17 "Neglect" means a failure in an FEC to provide adequate
18 medical or other care, which failure results in physical or
19 mental injury to a patient or in the deterioration of a
20 patient's physical or mental condition.

21 "Vulnerable adult" means an individual who (i) is at least
22 18 years of age but less than 60 years of age, (ii) regardless
23 of his or her mental capacity, has or is suspected of having a

1 physical, mental, or developmental impairment, and (iii) is
2 receiving, is requesting, or may be in need of emergency
3 treatment services, including evaluation for a determination
4 of service needs.

5 (b) No administrator, agent, or employee of an FEC may
6 abuse or neglect a vulnerable adult who is a patient in the
7 FEC.

8 (c) The following persons shall be required to report all
9 allegations of abuse and neglect of vulnerable adults: any FEC
10 administrator, agent, or employee, and any physician, surgeon,
11 dentist, osteopath, chiropractor, podiatrist, EMT/paramedic,
12 nurse, aide, social worker, social services administrator,
13 coroner, law enforcement or security personnel, religious
14 practitioner, field personnel from a hospital accreditation
15 agency, personnel of the Illinois Department of Healthcare and
16 Family Services or the Illinois Department of Public Health or
17 any county or municipal health or human services department,
18 personnel of the Illinois Department of Human Services, the
19 Illinois Guardianship and Advocacy Commission, the Illinois
20 Department on Aging or its subsidiary Agencies on Aging, or the
21 Illinois Department of Financial and Professional Regulation,
22 and personnel or agents of any other agency that is conducting
23 a health or disability-related service. Required reporters
24 include all employees of the State of Illinois who are involved
25 in providing services to vulnerable adults, including
26 professionals providing medical, rehabilitative, or dental

1 services to vulnerable adults, and all employees of community
2 service agencies who provide services to vulnerable adults in a
3 setting outside that FEC.

4 (d) Any person required to report under subsection (c) who
5 witnesses, discovers, or is told of possible abuse or neglect
6 of a vulnerable adult, or who has reason to believe that a
7 vulnerable adult may have been abused or neglected within an
8 FEC, shall immediately report those allegations to the
9 Department. FEC employees shall immediately report all
10 allegations to the FEC administrator according to the
11 facility's procedures. All reports from FECs to the Department
12 must be made by telephone and in writing. No FEC administrator,
13 agent, or employee, nor any other person, may screen reports or
14 otherwise withhold reports from the Department, and no FEC
15 shall establish criteria, guidelines, rules, procedures, or
16 policies that alter or unreasonably delay reports to the
17 Department.

18 The Department shall investigate every allegation of abuse
19 or neglect of a vulnerable adult received by the Department.
20 Under no circumstances may an FEC's internal review of an
21 allegation of abuse or neglect of a vulnerable adult under
22 subsection (e) replace an investigation of the allegation by
23 the Department.

24 (e) In every event the FEC must, upon receipt of any
25 allegation, promptly conduct an internal review to ensure the
26 alleged victim's safety. Measures to protect an alleged victim

1 shall be taken as deemed necessary by the facility's
2 administrator and may include, but are not limited to, removing
3 suspected violators from further patient contact during the
4 internal review. All internal reviews are to be conducted by a
5 designated FEC employee or agent who is qualified to detect
6 abuse and neglect and is not involved in the alleged victim's
7 treatment. All internal review findings must be documented and
8 filed according to facility procedures and shall be made
9 available to the Department. All internal review files,
10 including information regarding the disposition of each
11 report, shall also be made available, subject to
12 confidentiality requirements, to the Illinois Guardianship and
13 Advocacy Commission and any other agency or legal
14 representative in the course of monitoring or investigating
15 rights protections for recipients of services.

16 (f) Every FEC shall regularly train all employees in the
17 detection and reporting of abuse and neglect of vulnerable
18 adults.

19 (g) Retaliation in any form against a person who lawfully
20 and in good faith makes report of abuse or neglect to an FEC
21 administrator or to the Department is prohibited.

22 (h) The provisions of this Section do not relieve any FEC
23 administrator, agent, or employee from making contact with
24 appropriate law enforcement authorities as required by law.

25 Section 10. The Hospital Licensing Act is amended by

1 changing Section 9 and by adding Section 9.6 as follows:

2 (210 ILCS 85/9) (from Ch. 111 1/2, par. 150)

3 Sec. 9. Inspections and investigations. The Department
4 shall make or cause to be made such inspections and
5 investigations as it deems necessary, except that the
6 Department shall investigate every allegation of abuse or
7 neglect of a vulnerable adult received by the Department. Under
8 no circumstances may a hospital's internal review of an
9 allegation of abuse or neglect of a vulnerable adult under
10 subsection (e) of Section 9.6 replace an investigation of the
11 allegation by the Department. Information received by the
12 Department through filed reports, inspection, or as otherwise
13 authorized under this Act shall not be disclosed publicly in
14 such manner as to identify individuals or hospitals, except (i)
15 in a proceeding involving the denial, suspension, or revocation
16 of a permit to establish a hospital or a proceeding involving
17 the denial, suspension, or revocation of a license to open,
18 conduct, operate, and maintain a hospital, (ii) to the
19 Department of Children and Family Services in the course of a
20 child abuse or neglect investigation conducted by that
21 Department or by the Department of Public Health, (iii) in
22 accordance with Section 6.14a of this Act, or (iv) in other
23 circumstances as may be approved by the Hospital Licensing
24 Board.

25 (Source: P.A. 90-608, eff. 6-30-98; 91-242, eff. 1-1-00.)

1 (210 ILCS 85/9.6 new)

2 Sec. 9.6. Abuse or neglect of vulnerable adult.

3 (a) In this Section:

4 "Abuse" means any physical or mental injury or sexual
5 assault inflicted on a vulnerable adult, other than by
6 accidental means, in a hospital.

7 "Allegation" means any assertion, complaint, or suspicion
8 that abuse or neglect of a vulnerable adult may have occurred.

9 "Neglect" means a failure in a hospital to provide adequate
10 medical or other care, which failure results in physical or
11 mental injury to a patient or in the deterioration of a
12 patient's physical or mental condition.

13 "Vulnerable adult" means an individual who (i) is at least
14 18 years of age but less than 60 years of age, (ii) regardless
15 of his or her mental capacity, has or is suspected of having a
16 physical, mental, or developmental impairment, and (iii) is
17 receiving, is requesting, or may be in need of hospital
18 services, including evaluation for a determination of service
19 needs.

20 (b) No administrator, agent, or employee of a hospital may
21 abuse or neglect a vulnerable adult who is a patient in the
22 hospital.

23 (c) The following persons shall be required to report all
24 allegations of abuse and neglect of vulnerable adults: any
25 hospital administrator, agent, or employee, and any physician,

1 surgeon, dentist, osteopath, chiropractor, podiatrist,
2 EMT/paramedic, nurse, aide, social worker, social services
3 administrator, coroner, law enforcement or security personnel,
4 religious practitioner, field personnel from a hospital
5 accreditation agency, personnel of the Illinois Department of
6 Healthcare and Family Services or the Illinois Department of
7 Public Health or any county or municipal health or human
8 services department, personnel of the Illinois Department of
9 Human Services, the Illinois Guardianship and Advocacy
10 Commission, the Illinois Department on Aging or its subsidiary
11 Agencies on Aging, or the Illinois Department of Financial and
12 Professional Regulation, and personnel of any other agency that
13 is conducting a health or disability-related service. Required
14 reporters include all employees of the State of Illinois who
15 are involved in providing services to vulnerable adults,
16 including professionals providing medical, rehabilitative, or
17 dental services to vulnerable adults, and all employees of
18 community service agencies who provide services to vulnerable
19 adults in a setting outside that hospital.

20 (d) Any person required to report under subsection (c) who
21 witnesses, discovers, or is told of possible abuse or neglect
22 of a vulnerable adult, or who has reason to believe that a
23 vulnerable adult may have been abused or neglected within a
24 hospital, shall immediately report such allegations to the
25 Department. Hospital employees shall immediately report all
26 allegations to the hospital administrator according to the

1 facility's procedures. All reports from hospitals to the
2 Department must be made by telephone and in writing. No
3 hospital administrator, agent, or employee, nor any other
4 person, may screen reports or otherwise withhold reports from
5 the Department, and no hospital shall establish criteria,
6 guidelines, rules, procedures, or policies that alter or
7 unreasonably delay reports to the Department.

8 The Department shall investigate every allegation of abuse
9 or neglect of a vulnerable adult received by the Department.
10 Under no circumstances may a hospital's internal review of an
11 allegation of abuse or neglect of a vulnerable adult under
12 subsection (e) replace an investigation of the allegation by
13 the Department.

14 (e) In every event the hospital must, upon receipt of any
15 allegation, promptly conduct an internal review to ensure the
16 alleged victim's safety. Measures to protect an alleged victim
17 shall be taken as deemed necessary by the facility's
18 administrator and may include, but are not limited to, removing
19 suspected violators from further patient contact during the
20 internal review. All internal reviews are to be conducted by a
21 designated hospital employee or agent who is qualified to
22 detect abuse and neglect and is not involved in the alleged
23 victim's treatment. All internal review findings must be
24 documented and filed according to facility procedures and shall
25 be made available to the Department. All internal review files,
26 including information regarding the disposition of each

1 report, shall also be made available, subject to
2 confidentiality requirements, to the Illinois Guardianship and
3 Advocacy Commission and any other agency or legal
4 representative in the course of monitoring or investigating
5 rights protections for recipients of services.

6 (f) Every hospital shall regularly train all employees in
7 the detection and reporting of abuse and neglect of vulnerable
8 adults.

9 (g) Retaliation in any form against a person who lawfully
10 and in good faith makes report of abuse or neglect to a
11 hospital administrator or to the Department is prohibited.

12 (h) The provisions of this Section do not relieve any
13 hospital administrator, agent, or employee from making contact
14 with appropriate law enforcement authorities as required by
15 law.